

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA**

**McKESSON CORPORATION,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 2:07-mc-03370-MHT**

**DONNA M. PAUL, an individual and  
RHEUMATOLOGY SPECIALISTS OF  
CENTRAL ALABAMA, INC.,**

**Defendants.**

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**DONNA M. PAUL, M.D., INC.,**

**Garnishee.**

**MOTION FOR ORDER COMPELLING  
DEFENDANT, DONNA M. PAUL, TO ATTEND DEPOSITION  
AND COMPLY WITH SUBPOENA DUCES TECUM**

**MOTION FOR SANCTIONS**

COMES NOW Plaintiff, by and through its attorney of record, and files this Motion seeking an Order of this Court compelling Defendant, Donna M. Paul, to attend a deposition and further Plaintiff moves the Court to enter sanctions against Defendant, Donna M. Paul, for her failure to attend a previously scheduled depositions. In support of its Motion and as grounds for said relief, Plaintiff would show this Court as follows:

1. Plaintiff was awarded a judgment by this Court against Defendants Donna M. Paul and Rheumatology Specialists of Central Alabama, Inc. on, to-wit: March 26, 2007. Said judgment was in the original amount of \$219,538.28, plus costs. Neither

Defendant has paid or satisfied the judgment. In fact, there have been no payments or credits whatsoever to this point in time.

2. In aid of collecting its judgment, Plaintiff again scheduled the post-judgment discovery of assets deposition of Defendant, Donna M. Paul on March 20, 2008. Defendant, Donna M. Paul, was duly served with a Notice of Taking Deposition and a Subpoena Duces Tecum commanding her attendance at the deposition and requiring her to produce certain financial records, documents, tax returns, and other financial records. Said Notice and Subpoena were sent via regular mail and certified mail. The certified mail was signed for by Stevie Paul.

3. Further, counsel for Plaintiff called all numbers on file for the Defendant, as well as newly discovered numbers in the State of Georgia on March 18, 2008 to remind her of the depositions.

4. Counsel for Plaintiff received no return call, nor did they receive correspondence requesting a different date or time.

5. On the date of the depositions, counsel for Plaintiff, along with its court reporter arrived for the depositions; however, the Defendant did not appear.

6. Depositions have previously been scheduled in this case on two other occasions. Defendant Donna M. Paul failed to appear for those depositions as well.

7. The Defendant is intentionally refusing to attend the depositions to hinder, delay, and impede Plaintiff in its efforts to collect its judgment.

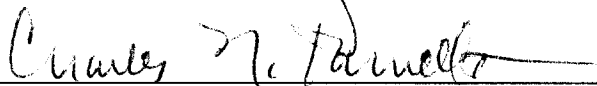
8. Accordingly, Plaintiff would move this Court pursuant to Rule 37(d) of the Federal Rules of Civil Procedure to enter an Order compelling and requiring the Defendant, Donna M. Paul, to attend a deposition at a time to be set by the Court and that she be

further compelled to fully and completely comply with the Subpoena Duces Tecum as to the production of financial records and documents.

9. Furthermore, Plaintiff would move this Court to enter sanctions against Defendant, Donna M. Paul, for her failure to attend to the previously scheduled deposition assessing whatever penalty, fine, or costs against her as this Court deems appropriate. Plaintiff would respectfully request the Court order Defendant, Donna M. Paul, to pay appearance fees of \$150.00 for a court reporter and attorneys fees representing three hours of time for Plaintiff's attorney, a total of \$750.00 for the filing of this Motion and the prosecution of this requested relief.

WHEREFORE, THE PREMISES CONSIDERED, Plaintiff asks for relief as requested herein and whatever other or additional relief to which it may be entitled or as is necessary to compel the Defendant, Donna M. Paul, to comply with her legal obligations pursuant to the Subpoenas previously issued.

Respectfully submitted,



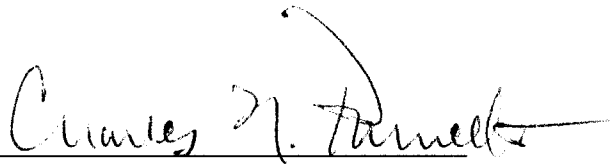
CHARLES N. PARNELL, III (PAR016)  
Attorney for Plaintiff

Parnell & Crum, P.A.  
P.O. Box 2189  
Montgomery, Alabama 36102-2189  
334/832-4200

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing pleading upon the below listed party by placing a copy of the same in the United States Mail, postage prepaid and properly addressed this the 4<sup>th</sup> day of April, 2008.

Donna M. Paul  
1003 Laddington Lane  
Peachtree City, Georgia 30269

  
OF COUNSEL